

Message Text

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ACTION DPW-01

INFO OCT-01 EUR-25 NEA-10 ISO-00 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 IO-14 SCA-01 MC-02 SAJ-01

OMB-01 AF-10 ARA-16 EA-11 DRC-01 /190 W

----- 090500

P 101245Z NOV 73

FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC PRIORITY 4429

INFO USUN NEW YORK PRIORITY 610

AMEMBASSY STOCKHOLM

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E.O. 11652: NA

TAGS: PARM SW

SUBJ: ICRC CONFERENCE - DRAFT RESOLUTION ON CONVENTIONAL
WEAPONS

REF: TEHRAN 7858

1. FOLLOWING CONSULTATION WITH REPS OF MOST NATO ALLIES, WE PROPOSED TO SWEDISH DELEGATE, HANS BLIX, A SERIES OF AMENDMENTS TO HIS PROPOSED RESOLUTION WEAPONS. BLIX HAS RESPONDED THAT HE IS DISPOSED TO ACCEPT THESE CHANGES BUT WILL FIRST HAVE TO CHECK WITH STOCKHOLM AND INFORM NEW YORK. HE HOPES TO BE ABLE TO INTRODUCE THE REVISED RESOLUTION ON NOV. 11. VETO WILL OCCUR ON NOV. 12.

2. TEXT OF BLIX RESOLUTION WHICH CIRCULATED IN RED CROSS CONFERENCE HUMANITARIAN COMMISSION NOV. 10 WITH EGYPT, MEXICO, NORWAY, SWEDEN AND YUGOSLAVIA AS COSPONSORS, IS AS FOLLOWS:

BEGIN TEXT THE XXIIND INTERNATIONAL CONFERENCE OF THE RED CROSS,

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RECALLING THAT THE RIGHT OF PARTIES TO A CONFLICT TO ADOPT MEANS OF INJURING THE ENEMY IS NOT UNLIMITED.

RECALLING, IN PARTICULAR, THAT THE USE OF WEAPONS, PROJECTILES OR

MATERIAL APT TO CAUSE UNNECESSARY SUFFERING METHODS AND MEANS OF COMBAT WHICH INDISCRIMINATELY STRIKE CIVILIANS AND COMBATANTS OR CIVILIAN OBJECTS AND MILITARY OBJECTIVES, IS PROHIBITED,

NOTING THAT THESE BASIC PRINCIPLES OF THE LAW OF WAR ARE RELEVANT NOT ONLY AS REGARDS WEAPONS OF MASS DESTRUCTION BUT ALSO TO CONVENTIONAL WEAPONS,

CONFIRMING THE RESOLUTION XXVIII ADOPTED BY THE INTERNATIONAL CONFERENCES OF THE RED CROSS IN VIENNA (1965) AND RESOLUTION XIV IN ISTANBUL (1969),

CONFIRMING THE VIEWS EXPRESSED BY THE INTERNATIONAL CONFERENCES OF THE RED CROSS IN RESOLUTION XXVIII (1965) REGARDING THE PROTECTION OF CIVILIAN POPULATIONS AGAINST THE DANGERS OF INDISCRIMINATE WARFARE, AND RESOLUTION XIV (1969) REGARDING WEAPONS OF MASS DESTRUCTION, BY THE INTERNATIONAL CONFERENCE ON HUMAN RIGHTS IN TEHRAN IN RESOLUTION XXIII (1968) REGARDING HUMAN RIGHTS IN ARMED CONFLICTS AND BY THE UNITED NATIONS GENERAL ASSEMBLY IN RESOLUTION 2932 (//;88 - 1972) REGARDING NAPALM AND OTHER INCENDIARY WEAPONS,

ENDORSING, IN PARTICULAR, THE VIEW EXPRESSED IN 1972 BY THE UNITED NATIONS GENERAL ASSEMBLY IN RESOLUTION 2932 (XXVII) THAT THE WIDESPREAD USE OF MANY WEAPONS AND THE EMERGENCE OF NEW METHODS OF WARFARE THAT CAUSE UNNECESSARY SUFFERING OR ARE INDISCRIMINATE CALL URGENTLY FOR RENEWED EFFORTS BY GOVERNMENTS TO SEEK, THROUGH LEGAL MEANS, THE PROHIBITION OF USE OF SUCH WEAPONS AND OF INDISCRIMINATE AND CRUEL METHODS OF WARFARE AND, IF POSSIBLE, THROUGH MEASURES OF DISARMAMENT, THE ELIMINATION OF SPECIFIC, ESPECIALLY CRUEL OR INDISCRIMINATE WEAPONS,

NOTING THAT CONSISTENT WITH ITS WORK FOR THE REAFFIRMATION AND DEVELOPMENT OF HUMANITARIAN LAW THE ICRC HAS CONTINUED TO DEVOTE ATTENTION TO THE QUESTION OF WEAPONS WHICH MAY CAUSE UNNECESSARY SUFFERING OR LIMITED OFFICIAL USE
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HAVE INDISCRIMINATE EFFECTS,

WELCOMES THE PROPOSALS WHICH THE ICRC IS SUBMITTING TO THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS FOR RULES CONCERNING THE PROHIBITION OF USE OF WEAPONS WHICH ARE APT TO CAUSE UNNECESSARY SUFFERING AND METHODS AND MEANS OF COMBAT WHICH HAVE INDISCRIMINATE EFFECTS,

WELCOMES FURTHER THE EXTENSIVE FACTUAL REPORT ELABORATED BY AN INTERNATIONAL GROUP OF EXPERTS UNDER THE AUSPICES OF THE ICRC ON WEAPONS THAT MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDIS-

CRIMINATE EFFECTS, COVERING, INTER ALIA, HIGH VELOCITY PROJECTILES, BLAST AND FRAGMENTATION WEAPONS, TIME-DELAY WEAPONS AND NAPALM AND OTHER INCENDIARY WEAPONS,

ENDORSES THE CONCLUSION OF THE REPORT THAT INTERGOVERNMENTAL REVIEW AND ACTION IS CALLED FOR REGARDING SPECIFIC TYPES OF WEAPONS TREATED IN THE REPORT,

URGES GOVERNMENTS TO MAKE EFFORTS AT THE FORTHCOMING DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS, WITH A VIEW TO REACHING AGREEMENT ON THE PROHIBITION OR RESTRICTION OF USE OF SPECIFIC WEAPONS WHICH MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE EFFECTS. END TEXT.

3. TEXT OF US PROPOSED AMENDMENTS TO RESOLUTION FOLLOW:

BEGIN TEXT: 1. REVISE THE SECOND PREAMBULAR PARAGRAPH TO READ AS FOLLOWS: "RECALLING, IN PARTICULAR, THOS RULES OF INTERNATIONAL LAW WHICH PROHIBIT THE USE OF ARMS LIKELY TO CAUSE UNNECESSARY SUFFERING AND THOSE RULES OF INTERNATIONAL LAW WHICH REQUIRE THE PROTECTION OF CIVILIANS,"

2. DELETE THE THIRD PREAMBULAR PARAGRAPH.

3. IN THE SIXTH PREAMBULAR PARAGRAPH, REVISE THE PHRASE "THE PROHIBITION OF USE OF SUCH WEAPONS" TO READ: "THE PROHIBITION OR RESTRICTION OF USE OF SUCH WEAPONS."

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4. IN THE SECOND OPERATIVE PARAGRAPH, DELETE THE WORD "EXTENSIVE" FROM THE PHRASE "THE EXTENSIVE FACTUAL REPORT."

5. AFTER THE THIRD OPERATIVE PARAGRAPH, ADD THE FOLLOWING AS A NEW FOURTH OPERATIVE PARAGRAPH: "INVITES THE INTERNATIONAL COMMITTEE OF THE RED CORSS TO CALL IN 1974 A CONFERENCE OF GOVERNMENT EXPERTS TO STUDY IN DEPTH THE QUESTION OF THE PROHIBITION OR RESTRICTION OF USE OF CONVENTIONAL WEAPONS WHICH MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE EFFECTS, AND TO TRANSMIT A REPORT ON THE WORK OF THE CONFERENCE TO ALL GOVERNMENTS PARTICIPATING IN THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS WITH A VIEW TO ASSISTING THEM IN THEIR FURTHER DELIBERATIONS."

6. REVISE THE FINAL OPERATIVE PARAGRAPH TO READ AS FOLLOWS: "URGES THE DIPLOMATIC CONFERENCE -- WITHOUT PREJUDICE TO ITS WORK ON THE TWO DRAFT PROTOCOLS SUBMITTED BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS -- TO BEGIN CONSIDERATION AT ITS 1974 SESSION OF THE QUESTION OF THE PROHIBITION OR RESTRICTION OF USE

OF CONVENTIONAL WEAPONS WHICH MAY CAUSE UNNECESSARY SUFFERING OR
HAVE PNDISCRIMINATE EFFECTS." END TEXT.

6. COMMENT: ASSUMING STOCKHOLM CONCURS, THIS IS BETTER OUTCOME
THAN WE ANTICIPATED AND MIGHT CONCEIVABLY PROVIDE TEXT USEFUL TO
UNGA FIRST COMMITTEE, ALTHOUGH WE ARE UNCLEAR AS TO TIMING
OF ACTION BY FIRST COMMITTEE.
HELMS

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<< END OF DOCUMENT >>

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